

CONTRIBUTIONS PLAN NO. 98

# BENSVILLE



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**CONTRIBUTIONS PLAN NO. 98  
BENSVILLE**

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## **1 INTRODUCTION**

### **1.1 Name of Plan**

This Contributions Plan is called Contributions Plan No. 98 – Bensville.

This Contributions Plan should be read in conjunction with Development control Plan No 98, which sets out further works to be carried out by the developers and the manner in which these works are to be carried out. The DCP also requires land to be dedicated for the nutrient treatment at the time of development.

The Contributions Plan came into effect on 17 March 1998.

Subsequent amendments came into effect on 13 August 1998 and 19 April 2006.

### **1.2 Land to which Plan applies**

This Contributions Plan applies to land to be zoned Residential 2(a) under which the Local Environmental Plan No 351 together with land already within the 2(a) zone at Bensville as identified on the attached map.

### **1.3 Purpose of Plan**

The purpose of this revised Contributions Plan is to enable the levying of development contributions to provide for the provision of traffic management facilities for land to be developed for urban purposes, together with the embellishment of open space.

### **1.4 Operation of Plan**

This CP has been prepared in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation, 2000.

This CP will come into force on the date of public notification pursuant to Clause 31 of the Environmental Planning and Assessment Regulation, 2000, being 18 April 2012.

### **1.5 Application of Plan**

When a Development Application is lodged which relates to land to which this Contribution Plan applies, Council shall levy contributions on development in accordance with the provisions of this plan.

Compliance with this revised Contributions Plan does not necessarily imply that Council will consent to any application.

### **1.6 Complying Development and the obligation of Accredited Certifiers**

In accordance with section 94EC (1) of the Environmental Planning and Assessment Act 1979, accredited certifiers must impose a condition requiring monetary s94 contributions for any complying development which satisfies the requirements of this contributions plan. The amount of the contribution is to be determined in accordance with the formulae contained within the contributions plan and the current contributions' rate.

The conditions imposed must be consistent with Council's section 94 conditions relating to complying development in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to keep up to date with any amendments or changes to the plan (including changes to contributions' rate arising from indexation) accurately calculate the contributions and to apply the section 94 condition correctly.

### **1.7 Construction Certificates and the obligation of Accredited Certifiers**

In accordance with section 94EC of the Environmental Planning and Assessment Act and Clause 146 of the Environmental Planning and Assessment Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the Environmental Planning and Regulation. The only exceptions to the requirement are where works in kind, material public benefit, dedication of land or a deferred payment arrangement has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

## **2 RELATIONSHIP TO OTHER PLANS**

This revised Contributions Plan is made under, and generally conforms with, deemed environmental planning instruments, the Gosford Planning Scheme Ordinance and Interim Development Order No 122 (as amended), which contains the legal planning controls for the development of the area to which this Contributions Plan applies.

This Plan must also be read in conjunction with any other Development Control Plans or Contributions that may apply to the area affected by this plan or form of development to which a DCP or CP may relate.

## **3 PROPOSED FACILITIES**

This Contributions Plan is to ensure that services and facilities are provided commensurate with an increased level of population.

### **(a) Roadworks**

Traffic management measures are required to be undertaken to minimise the impact of increased residential development on Kallaroo Road. Kallaroo Road, leading to the new residential area, is a long flat straight rural road that will connect the new residential area to Empire Bay Drive. Due to the characteristics of Kallaroo Road in this location, it is considered that signposting alone will not enforce driver behaviour to obey the existing 60 km/h speed limit, and the additional residential development will lead to significant safety concerns on this of Kallaroo Road.

A gateway threshold treatment on Kallaroo Road is to be provided to control entry speed into the DCP/CP area. The gateway threshold treatment is to be located at a minimum of 40 metres to the east of the proposed access road off Kallaroo Road to Precinct Two. This setback is required to avoid the possibility of rear end accidents when vehicles slow down to enter the threshold treatment. A landscaping island will further improve traffic safety and provide an identifiable entrance to the township.

**(b) Open Space Embellishment**

An area of 5000m<sup>2</sup> is to be dedicated to Council in accordance with a Deed of Agreement. This land is located on the eastern edge of Precinct One on the northern side of Kallaroo Road. The DCP requires that subdivision layout is to be designed to integrate with residential lots and that vehicular access is to be available to this area. As an area of open space exists within Bensville, at the corner of Kallaroo Road and Hastings Parade, levying of contributions to acquire additional local open space land is not justifiable.

It is desirable, however, to make improvements to that land to be dedicated to ensure that it is useful to the community, and can form a focal point within the community for unstructured and/or informal recreational pursuits. Council has determined that the most appropriate form of embellishment for this area is landscaping works, toilet amenities and picnic facilities.

**4 LOT PRODUCTION / POPULATION POTENTIAL**

Estimates undertaken by Council indicate that lot productions for land to be zoned Residential 2(a) is approximately 150 lots.

For the purposes of this revised Contributions Plan, Council has assumed occupancy rates for land subdivision and medium density residential development as outlined below. Medium density residential development includes units, villas, dual occupancies, townhouses, residential flat buildings, apartments, secondary dwellings and the like.

New allotment	3.3 persons
Small unit	1.5 persons
Medium Unit	2.5 persons
Large Unit	3.0 persons

The 1991 Census indicated that average occupancy of 3.3 persons per dwelling, which will be the assumed occupancy rate for new residential lots to be created. Based on existing development within Bensville, no discernible trend can be established for occupancy rates of medium density development, and the above rates are consistent with assumed medium density occupation rates for other urban release areas.

Based on a total of 150 new residential lots, the total increase in population is estimated to be 495 within the new residential area.

It is noted that this population in itself is insufficient to generate the need for additional open space land and community facilities.

**5 FORMULAS**

**(a) Roadworks**

$$C^* = \frac{a}{b}$$

Where:

C = per person contribution rate

A = total cost of all roadworks (see Appendix I)

B = total population projection (for development of land zoned Residential 2(a)  
= 495 persons @ 150 lots x 3.3 persons)

\* Contributions will be subject to indexation and adjusted quarterly by multiplying it by indexation figures (11/12). Current indexation figures are provided in Appendix III.

**Note:** This contribution has not been apportioned over the whole of the Residential area as the traffic facility can only be reasonably attributed to the incoming population due to its proposed location.

Credit is given for the existing allotment at the rate of 3.3 persons per dwelling, except in relation to where the development is for a secondary dwelling.

**(b) Open Space Embellishment**

$$C^* = \frac{x}{y}$$

Where:

C = per person contribution rate

X = total cost of all open space embellishment works (see Appendix II)

Y = total population combined population of 1353, representing existing population (858 persons @ 260 lots x 3.3 persons) and proposed population projection (495 persons @ 150 lots x 3.3 persons)

**Note:** This contribution has been apportioned over the whole of the residential area as the embellishment of open space will benefit the whole of the area.

Credit is given for the existing allotment at the rate of 3.3 persons per dwelling, except in relation to where the development is for a secondary dwelling.

\* Contributions will be subject to indexation and adjusted quarterly by multiplying it by indexation figures (11/12). Current indexation figures are provided in Appendix III.

Contributions rates for roadworks and open space embellishment as at January 1998 are provided within Appendix IV.

## **6 PAYMENT OF CONTRIBUTIONS**

Contributions levied under this revised Plan will be payable as follows:

- (a) Development Applications involving land subdivision – payment prior to the release of the subdivision certificate.
- (b) Development Applications involving building – payment prior to the release of the construction certificate.
- (c) For Development Applications not accounted for in a or b above – payment prior to the release of development consent.
- (d) Complying Development Certificates prior to the release of the complying development certificate.

Deferred payment may be accepted (Bank Guarantee or similar) and the form of payment will be considered at the development application stage.

## **7 ACCOUNTS / FUND BALANCES**

A register is kept by Council which outlines the following information:

- funds received from the date of the Contributions Plan coming into effect in accordance with the Environmental Planning and Assessment Regulation, 2000;
- funds levied under this plan will be accounted or separately (that is, funds levied under this plan shall have a separate account);
- the source of all funds received from the date of the plan coming into effect shall be separately identified (that is, identifying which specific development paid which specific contribution);
- expenditure of all funds received, identifying works on which the funds were spent, and timing of expenditure;
- full details of disbursement to other accounts which have previously paid for the cost of studies.

These records are kept in accordance with the Environmental Planning and Assessment Regulation, 2000 as amended. These records are available for public perusal at the ground floor counter.

In accordance with the Regulations, an annual statement will be prepared and made available for public perusal, along with the register of accounts.

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**APPENDICES**

**I ROADWORKS**

Council has identified that a gateway threshold treatment on Kallaroo Road is required to reduce vehicle speeds, as a result of increased traffic generated by new residential development. This facility is to be located at least 40 metres to the east of the intersection of Kallaroo Road and the proposed access road to Precinct Two. Access to both Precincts is to be by way of "T" intersections, to be constructed by the developers at their own cost. Access to Precinct One (on the northern side of Kallaroo Road) is to be located at least 40 meters to the west of the Cedars Close and access to Precinct Two (on the southern side of Kallaroo Road) is to be at the eastern most point of land to be zoned Residential 2(a).

<b>Traffic Management Measures</b>	<b>Cost</b>
Gateway Threshold Treatment	\$25,000
Project Administration	\$ 2,500
<b>TOTAL</b>	<b>\$27,500</b>

**II OPEN SPACE EMBELLISHMENT**

Council has identified that the area of open space on the eastern edge of Precinct One is to be developed as an area for informal recreation and amenities. This area will serve the whole of the Bensville residential area (existing and proposed) and provide opportunities for all sectors of the community to participate in informal recreational activities and enhanced enjoyment of a public open space area.

<b>Open Space Embellishment</b>	<b>Cost</b>
Turfing (initial grass/turf/mulching/top dressing @ \$4.00/m <sup>2</sup> x 5000m <sup>2</sup> )	\$20,000
Park seats x 5 @ \$300 each	\$ 1,500
Covered park tables x 2 @ \$1,200 each	\$ 2,400
Landscaping (initial planting/mulching etc)	\$ 5,000
Amenities building (including one male, one female & one disable toilet)	\$35,000
<b>TOTAL</b>	<b>\$63,900</b>

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**III INDEXATION RATES**

- I1 – Current quarter “Consumer Price Index (All Groups Index) for Sydney” issued by the Australian Statistician.
- I2 – Original quarter “Consumer Price Index (All Groups Index) for Sydney” issued by the Australian Statistician = 119.8 (September 1997)

Contribution per person is adjusted quarterly by multiplying original rate by indexation figures (I1/I2)

**IV CURRENT CONTRIBUTIONS**

**(a) Roadworks**

The following contributions rates for roadworks would be applicable as at April 1998:

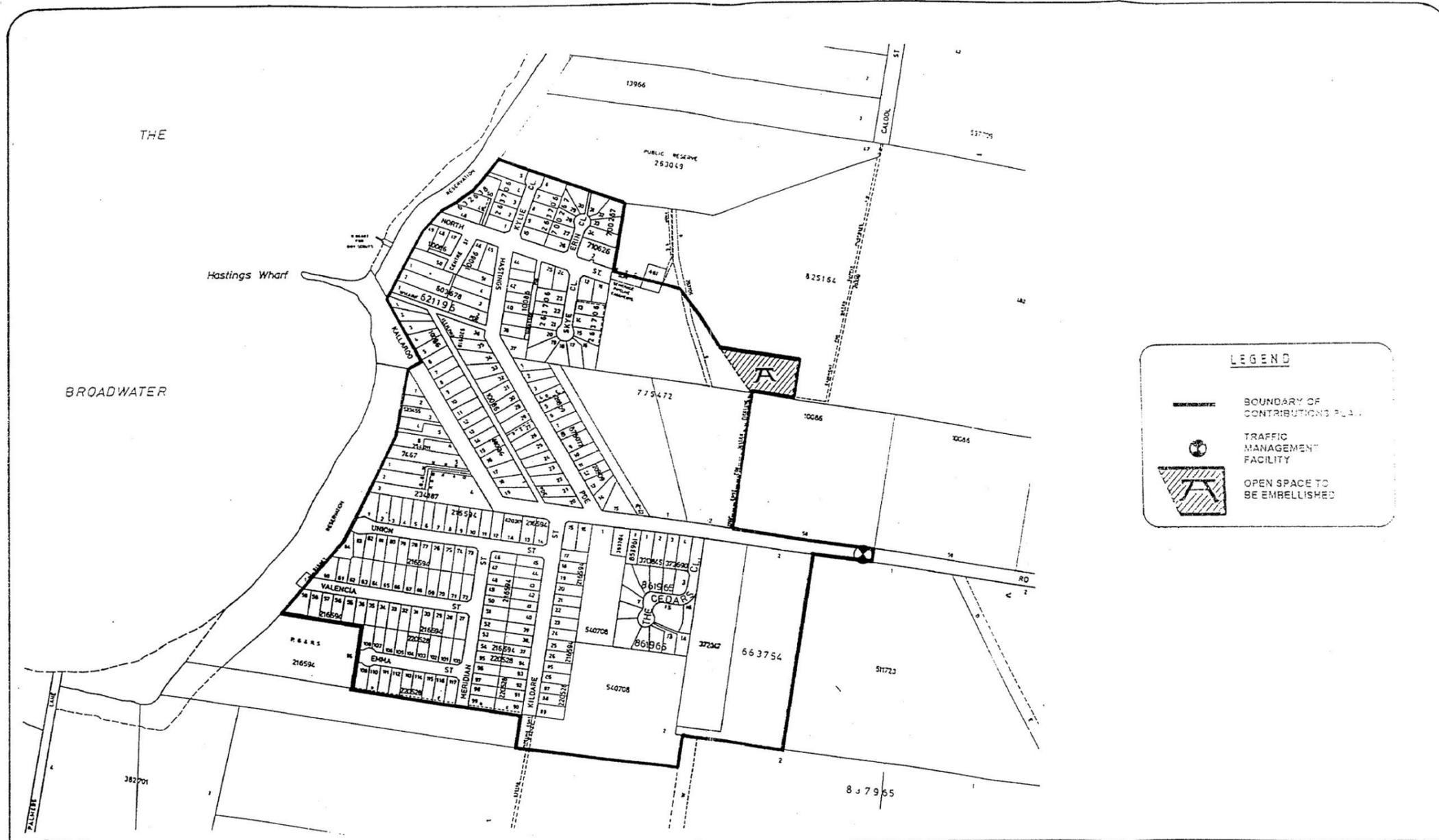
Per person contribution rate:		\$ 56
New residential lot (3.3 persons x \$56)	=	\$185
Small unit (1.5 persons x \$56)	=	\$ 84
Medium unit (2.5 persons x \$56)	=	\$140
Large unit (3.0 persons x \$56)	=	\$168

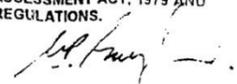
**(b) Open Space Embellishment**

The following contribution rates for open space embellishment would be applicable as at April 1998:

Per person contribution rate:		\$ 48
New residential lot (3.3 persons x \$48)	=	\$158
Small unit (1.5 persons x \$48)	=	\$ 72
Medium unit (2.5 persons x \$48)	=	\$120
Large unit (3.0 persons x \$48)	=	\$144

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<p>TOWN PLANNER</p> <p>DRAFTSPERSON</p>	<p>N</p> 	<p>SECTION 94 CONTRIBUTIONS PLAN No. 98 - BENSVILLE</p>	<p>CONTRIBUTIONS PLAN No. 98 CAME INTO FORCE ON 26/3/1998. AMENDMENT ONE SHALL COME INTO FORCE ON 13/8/1998 IN ACCORDANCE WITH CLAUSE 30(4).</p>	<p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND REGULATIONS.</p> 	<p>COUNCIL FILE No. C.P. 4/94 SCALE: 1:5000</p> <p>COUNCIL REGISTERED PLAN No.</p>
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